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Report on the activities of the Office of Internal Oversight Services

Efficiency of the implementation of the mandate of the Office of the United Nations High Commissioner for Human Rights

Note by the Secretary-General

Addendum

Summary

The Secretary-General has the honour to submit the following comments on the report of the Office of Internal Oversight Services (OIOS) on the efficiency of the implementation of the mandate of the Office of the United Nations High Commissioner for Human Rights (OHCHR). The overall conclusion and recommendations of the report are appreciated and welcomed. The following comments are offered to provide greater context and clarity to the evaluation findings contained in the report.

* A/64/150 and Corr.1.

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I. The comparative advantage and strategic focus of OHCHR

1. The report states that the comparative advantage of OHCHR lies in its position as "the central reference point and advocate for international human rights standards and mechanisms". This is grounded in its uniquely comprehensive mandate, as set out in General Assembly resolution 48/141, namely to promote and protect all human rights and fundamental freedoms for all. The comprehensiveness of the mandate sets it apart from other departments and agencies that focus on specific areas of rights, specific functions or specific groups. It also means endeavouring to meet the demands and expectations of a vast array of clients and partners. As the report notes, the human rights arena is crowded with different actors, and most look to the High Commissioner for Human Rights and her Office not only as a reference point but also for leadership, action and support. At times, the expectations can be unrealistic, given the limited resources of the Office, or even misdirected, as indicated in paragraph 59 of the report.

2. With the demands and expectations constantly growing, prioritization and strategizing have increasingly been integrated into the functioning of the Office. In this regard, the High Commissioner's 2005 plan of action was a milestone; it has since been fleshed out in two successive biennial strategic management plans based on programme 19 of the General Assembly-approved strategic framework. The Office is currently preparing the third strategic management plan for 2010-2011, with a view to bringing even greater strategic focus and coherence to its work, as recommended in the OIOS report. The strategizing is evolving around six priority themes that the Office will focus on in the next biennium. The themes have been chosen through extensive consultation both at headquarters and in the field.

3. Given the breadth of its mandate, the limited resources and the divergent expectations of partners, the Office's strategy inevitably has to be flexible at the level of global direction rather than at the concrete level of activities, as the report suggests. The flexibility required at the activities level is illustrated by the Durban Review Conference of April 2009; the Office was tasked with acting as the secretariat of this Conference by intergovernmental decision, although this was not part of its planning. Upon taking office in September 2008, the new High Commissioner made it a top priority of the Office to undertake this role, using its full expertise, so that the intergovernmental process could succeed in advancing the anti-discrimination agenda. The work was undertaken by an Office-wide task force, against tremendous political odds and without the provision of additional resources. Following several months of intense preparation by the task force leading up to the Conference, under the proactive leadership of the High Commissioner and with the support of the Secretary-General, the Conference proved to be a success, producing an outcome document adopted by consensus, dispelling the apprehension and distrust that had marred the process. This is considered an important contribution and accomplishment on the part of the High Commissioner and her Office, especially for the victims of racism and racial discrimination.

4. In a similar vein, the main intergovernmental body on human rights, namely the Commission on Human Rights, for which OHCHR acted as the substantive secretariat, has been replaced by the Human Rights Council. While the Commission met six weeks per year, the Council meets for over 30 weeks per year, which has increased the Office's workload dramatically. The special procedures of the Council have also grown, with more mandates and greater activism on the part of mandate

holders. The treaty bodies system has also expanded. These expansions, which are the result of intergovernmental decisions rather than OHCHR planning, have placed a significant additional burden of work on the Office, with needed resources catching up much later or not at all.

5. The OIOS report, while recognizing the important contribution of OHCHR monitoring and reporting activities on the protection of international human rights, states that "these are largely confined to countries and regions with a field presence", and further that "Within the context of its broad mandate, OIOS finds that OHCHR can most efficiently utilize its finite resources by strategically focusing its activities in line with this comparative advantage" (as the central reference point and advocate for international human rights standards and mechanisms). This seems to suggest that monitoring activities should be confined to countries and regions with field presences. Meanwhile, recommendation 1 of the report suggests that OHCHR "consider ways of improving the monitoring and assessment of the human rights situation around the world in order to better inform its own strategic decisions" (see A/64/203, para. 68 (d)).

6. There seems to be a discrepancy between the assessment and the recommendation regarding the Office's monitoring activities. The recommendation is welcome, but the assessment is based on a narrow concept of monitoring. In this regard, it must be noted that all components of OHCHR's mandate are complementary and mutually reinforcing. The monitoring, protection and technical cooperation activities of the Office are interdependent and indivisible. The monitoring of human rights situations is the basis for identifying issues, gaps and trends and for developing targeted capacity-building and technical cooperation activities, at the request of Governments and other partners. Technical cooperation can be most effective when informed by monitoring work. At the same time, monitoring is not an end in itself but a necessary component of relevant and effective technical cooperation and capacity-building support. Field presences with explicit monitoring and reporting mandates, namely, most country offices and human rights components of peace missions, undertake this work more robustly and directly. The Office, nevertheless, strives to monitor and assess human rights developments in all parts of the world, in undertaking its global mandate.

II. Field operation strategy

7. The OIOS report states that the recent expansion of the OHCHR presence in the field has been ad hoc and without strategy, and that OIOS "finds no evidence of a systematic approach to decisions concerning the location and type of OHCHR field presences". The report thus goes on to recommend the development of "an overarching field strategy document". While the Office has yet to produce such an overarching document, much strategizing and systematic decision-making has gone into the expansion in the field along the lines of the four types discussed in section C of the report — country offices, regional offices, human rights components of peace missions, and human rights advisers placed with the United Nations country teams to assist the resident coordinator and team members.

8. Expansion along the lines of the four models was itself a strategic decision, which has been implemented to maximize the opportunities on the ground. Each presence is established or closed through the deliberation of the Office's senior

management team, each with a specific mandate and terms of engagement, and each conducts its work on the basis of a clear strategy and workplan, as detailed in the strategic management plan. The Office provides substantive support to the human rights components of the Security Council-mandated peace missions and the human rights advisers. For both types of presences, concrete steps have been taken to systematize cooperation with the relevant United Nations partners in the peace and security and development sectors, specifically the Department of Peacekeeping Operations, the Department of Political Affairs and the United Nations Development Group as well as member entities. In both cases, the decision for deployment or exit is largely out of the hands of the Office. For its stand-alone presences, namely country and regional offices, the Office has continued to rationalize and harmonize their mandates, so as to systematically align them with the High Commissioner's global mandate.

9. Regarding the necessity of entry and exit strategies, the Office has elaborated "entry strategies" for several countries and subregions and is implementing an exit strategy for one office. While "entry" depends on the willingness of the host Governments, and while OHCHR field presences should necessarily be conceived as long-term — advances in human rights require changes in mindsets which take a long time — their sustained presence and exit are determined, to a large extent, by political changes on the ground and progress in building national human rights capacity.

10. Nevertheless, as the report points out, much remains to be done to systematize and enhance the efficiency and impact of the work of the Office in the field. In this regard, the four specific suggestions under recommendation 2 of the report are much appreciated.

III. Partnerships

11. The report points out that the Office lacks an overall strategy for partnerships and recommends a series of steps for improvement in this regard. The validity of this evaluation varies according to sector. In the context of peacekeeping, OHCHR has been steadily strengthening its partnership with the Department of Peacekeeping Operations, the Department of Political Affairs and individual peace missions. In 2005, the Secretary-General adopted a policy decision on human rights in integrated missions, which constitutes a solid basis for cooperation between OHCHR and the Department of Peacekeeping Operations, the Department of Political Affairs, the United Nations Office for the Coordination of Humanitarian Affairs, the Peacebuilding Support Office and the peace missions. It has also provided the High Commissioner with effective authority to raise or address specific human rights issues in countries where missions are deployed.

12. In the development sector, OHCHR and the United Nations Development Programme (UNDP) have cooperated closely on mainstreaming human rights in programmatic activities on the ground through the action 2 initiative. The deployment of human rights advisers to United Nations country teams has been a key aspect of this collaboration. With the successful conclusion of action 2, the Office is currently devising a follow-up arrangement, in close consultation with UNDP and other partners in the United Nations Development Group. Furthermore, the Office is implementing cooperation agreements with many other entities, such as

the Food and Agriculture Organization of the United Nations (FAO), the United Nations Human Settlements Programme (UN-HABITAT), the World Health Organization (WHO), the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS), both at headquarters and in the field.

13. It is in the humanitarian sector that OHCHR needs to increase partnership development. In recent years, it has therefore become increasingly engaged with humanitarian actors. It takes part in the Inter-Agency Standing Committee and its working groups, and is a member of the sub-working group on preparedness. In the field, the Office plays a leading role in the protection cluster in 14 countries and/or regions. So far, owing to limited capacity and resources as well as the reluctance on the part of some humanitarian actors, the Office's engagement has not been consistent or systematic in this area. The Office will seek every opportunity to enhance its capacity in this regard, with a view to systematizing partnerships with humanitarian actors.

14. The Research and Right to Development Division plays a leading role in the Office's efforts to forge partnerships. Although the Division is the fourth substantive pillar of the Office, along with the Field Operations and Technical Cooperation Division, the Human Rights Council and Treaties Division, and the Special Procedures Division, it is not given due mention in the report.[1] The Research and Right to Development Division also plays the leading role in shaping the advocacy message and leadership role of the High Commissioner and the policies of the Office on thematic issues and facilitates the work of other Divisions and field presences through the provision of publications, tools and training modules, methodologies and thematic guidance notes. In the dissemination of human rights materials, the Division draws heavily on information produced by human rights mechanisms.

IV. Follow-up to human rights bodies

15. The OIOS report states that, while OHCHR support to the Human Rights Council, its special procedures mechanism and the treaty bodies is generally valued, this support needs to be strengthened, in particular with respect to follow-up to the recommendations made by these bodies.

16. While OHCHR clearly has an important role to play in the effective implementation of the recommendations, it must be emphasized that the primary responsibility for effective follow-up to conclusions and recommendations lies with Governments which have committed themselves to cooperating with the mechanisms and implementing their recommendations. It is important to evaluate the Office's follow-up efforts within the overall context of relations between the Office and Member States, independent experts, treaty bodies and other United Nations entities.

[1] In accordance with programme 19 of the strategic framework for the period 2010–2011, as of 1 January 2010, the Human Rights Council and Treaties Division and the Special Procedures Division will be realigned into the Human Rights Council and Special Procedures Division and the Human Rights Treaties Division.

17. The Office will continue to strive to strengthen its support for the human rights bodies as well as the linkages between this area and other areas of its work, including in the field, as recommended in the report. In particular, the follow-up to recommendations emanating from the universal periodic review process of the Human Rights Council offers an excellent opportunity for addressing the totality of the work of the human rights mechanisms, through enhanced cooperation with United Nations entities, Governments and other national actors such as parliaments, non-governmental organizations and national human rights institutions. The Office hopes to deepen such cooperation, which would require greater resources and greater will on the part of partners.

V. Management challenges

18. The report identifies management challenges in the Office, including "unclear leadership direction, inefficient coordination and undocumented work processes for some critical tasks" and recommends steps to improve internal coordination and communication, and to identify and document critical work processes. The Office, having already recognized these shortcomings, which are largely the result of unprecedented growth and repeated changes in the management structure in recent years, has initiated a programme to improve organizational effectiveness based, in part, on the staff responses to the OIOS survey of July 2008. A broad outline of the programme was worked out during a retreat of the Deputy High Commissioner for Human Rights and the Directors, which was facilitated by a management consultant. The programme will focus on the following areas of management:

(a) Strategic direction: creating a common understanding across the Office of how resources, time and funds are allocated, so as to most effectively achieve its mandate;

(b) Work processes: identifying and documenting key work processes that create the most value, and reviewing and revising them as necessary;

(c) Mechanisms for decision-making and communicating information: ensuring that such mechanisms are in place and functioning effectively;

(d) Management behaviour: ensuring that senior management works as an effective team and serves as a model of collaboration and communication.

19. The time frame for this programme is roughly one year, starting in September 2009. It is expected to lead to greater coherence, cohesiveness and communication in the Office, at headquarters and in the field.